

fluid conduit is between the first end and the second end of the leg, (and) so that a fluid conduit enabling fluid communication to and from the pot body at the first end and being capable of absorbing fluid into the leg at the second end, and the fluid absorbing material can not drop out from the second end of the at least one leg.

Please add claim as follow:

21. The plant pot in claim 8, wherein the pot sits in a tray, between the side walls of the pot body and the up side of the tray having a clearance/ distance to allow air flow in and out of the tray and ventilate under the pot body thoroughly, and may be adding fluid to the tray through the opening area between the pot body and the tray.

### **REMARKS**

Applicant has reviewed and considered the Office Action dated January 9, 2001. In response thereto, claim 8 is amended, claim 21 is added, the supportive reference can be found in the original application ( line 15, page 2; line 4, page 3; and Figures 4 and 5 ). As a result, claims 8, 10, 11 and 20 are pending in the present application. Reconsideration of the present application is respectfully requested.

Claims 8, 10, 11, and 20 are rejected under 35 U.S.C. 102 as set forth in the office action dated 1/9/2001.

Claim 8 recites a plant pot including a pot body, the pot body having side wall(s) and a bottom wall, and at least one leg, the at least one leg having side wall(s) and a bottom wall. The first end of the at least one leg connected to the bottom wall of the pot body, and at least one hole disposed on the bottom wall of the leg, so that a fluid conduit enabling fluid communication to and from the pot body and exiting from the proximate to

the second end of the leg, and the fluid absorbing material can not drop out of the leg. 3

Shackelford claims " a plurality of hollow anchor tubes extending downwardly from bottom wall portion for anchoring receptacle to the earth and having their hollow interiors in open communication ....." ( lines 10-13, column 6 ). Shackelford does not claimed the anchor tubes having a bottom wall portion.

Shackelford does not discloses the closed lower end having a hole to allow fluid communication even if Shackelford discloses a closed lower end. Also, Shackelford discloses " ..... initial growth is to take place indoors it may be desirable to use anchor tubes having a closed lower end to prevent possible soil loss during movement. In most cases, however, the lower tube ends should be open to facilitate their insertion into the soil and provide better access for soil fluids between the surrounding and receptacle contained soil" ( lines 59-65, column 3 ). Thus, Shackelford teaches away from having a bottom wall portion with a hole disposed on it at the second end of the leg as claimed in claim 8. How does the " open communication" works if the lower end be closed with no hole disposed on it when the device take place indoors?

Shackelford claims ".....at least one soil containing peripheral wall portion merging with a bottom wall portion,....." ( lines 8-10, column 6 ). Clearly, " the bottom portion of the reference " is the receptacle bottom wall portion, it is the same portion which compare with the bottom wall portion of the pot body in the present invention, "the claimed base portion" is the bottom wall portion of the leg in the present invention. In Shackelford's invention, there is only one bottom wall portion: the receptacle bottom wall portion. In the present invention, there are two bottom wall portion: the bottom wall portion of the pot body and the bottom wall portion of the leg. If " a closed lower end " be counted in a bottom wall portion, the structure is still different which


compare with the bottom wall portion of the leg in the present invention because the bottom wall portion of the leg having a hole disposed on it to allow fluid communication. Shackelford does not disclose that a closed lower end having a hole disposed on it to allow fluid communication.

**Obviously, the structure with the function in the cited reference is different which compare with the present invention, and is not capable to be performed the same as the present invention do !** Therefore, Applicant respectfully submits that claim 8 patentably distinguishes over Shackelford. Claims 10, 11, 20 and 21, which are dependent from claim 8, are also patentable.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

Respectfully submitted,

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